IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.429 of 2003
In
Criminal Appeal No.872 of 2002

Shri Mohan C. Gurudasani Applicant
Vs.
Shri Harish Ramjibhai Singh & ors. Respondents

Mr.Sachin Dhakephalkar for applicant.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

October 26, 2007.

P.C.

. Heard Mr.Sachin Dhakephalkar, the learned counsel for the applicant who had filed C.C. No.124/S of 1992. This is an application seeking special leave to appeal under Section 378(4) of Cr.P.C. against the order of acquittal dated 22nd January 2002.

. The learned Addl. Chief Metropolitan Magistrate at Bandra was pleased to convict accused no.1 - Harish Ramjibhai Singh for the offence punishable under Section 420 of IPC and he was sentenced to suffer SI till rising of the Court and to pay a fine of Rs.40,000/-. Out of the fine amount, Rs.20,000/- was directed to be paid to the complainant - the present applicant. The accused

were acquitted for the offence punishable under Section 120-B of IPC.

. I have gone through the reasoning set out by the learned Addl. Chief Metropolitan Magistrate in support of the order of acquittal under Section 120-B of IPC Only two witnesses were examined in support of the charge and the trial Court noted that none of these witnesses' evidence could make out a case of a criminal conspiracy to cheat the complainant and his wife. It was accused no.1 who had agreed to sell the flat to the complainant and the charge of cheating has been proved before the trial Court beyond reasonable doubt against accused no.1.

. Hence I am satisfied that the reasoning set out in support of the order of acquittal under Section 120-B does not call for reconsideration at the hands of this Court.

. Leave to appeal is, therefore, refused and the application is rejected.

(B.H.MARL